

LEGAL

CITY ATTORNEYS REPRESENT THE CITY'S INTERESTS IN ALL COURTS IN NEW MEXICO, AND IN ADMINISTRATIVE BODIES AND OTHER TRIBUNALS INCLUDING LEGISLATIVE BODIES, AND ARE RESPONSIBLE FOR THE OVERSIGHT OF THE CIVIL LAWSUITS FILED AGAINST ALL CITY DEPARTMENTS. THE LEGAL DEPARTMENT THROUGH ITS REAL PROPERTY DIVISION IS RESPONSIBLE FOR THE MANAGEMENT, ACQUISITION, DISPOSAL, AND COORDINATION OF CITY REAL PROPERTY. FINALLY, THE LEGAL DEPARTMENT'S UTILITY FRANCHISING OFFICE IS RESPONSIBLE FOR NEGOTIATING FRANCHISE RENEWALS, PROVIDING CONSUMER PROTECTION TO CABLE SUBSCRIBERS AND SERVES AS CONTRACT MANAGER FOR THE EDUCATION AND PUBLIC ACCESS CHANNELS.



MISSION STATEMENT

To provide timely and quality legal services at a reasonable cost to the Mayor's Office, City Council and City departments and to represent the City of Albuquerque in litigation in state and federal courts and administrative hearings.

Operating Fund Expenditures by Category (\$000's)	APPROVED BUDGET FY/01	ACTUAL FY/01	APPROVED BUDGET FY/02	ESTIMATED ACTUAL FY/02	APPROVED BUDGET FY/03	EST. 02/ APPR. 03 CHANGE
Personnel	4,855	4,989	5,209	4,899	4,346	(553)
Operating	444	772	599	798	897	99
Capital	0	9	0	6	0	(6)
Transfers	58	35	62	62	79	17
Grants	0	37	0	0	0	0
TOTAL	5,357	5,842	5,870	5,765	5,322	(443)
TOTAL FULL-TIME POSITIONS	84	84	84	71	63	(8)

BUDGET HIGHLIGHTS

The FY/03 appropriation reflects a 9.3% reduction from the FY/02 appropriation due to reorganizations and a reduction of staff. Eight positions were eliminated in the FY/03 Budget. In addition, six positions were moved from the Legal Department to the Human Resources Department during the FY/02 mid-year recovery plan to perform functions of employee relations and equal employment opportunity.



For FY/03 the Legal Department has reorganized personnel from three division into six divisions. The major change for FY/03 is the creation of the Community Abatement & Enforcement Division. The Community Abatement & Enforcement Division was created to address concerns in the area of ordinance enforcement, graffiti vandalism prosecution, vehicle forfeiture proceedings, housing code enforcement, zoning and nuisance abatement issues and the new Metropolitan Court Arraignment Program. The Community Abatement & Enforcement Division will be responsible for initiating civil causes of action for nuisance abatements against property owners and home owners. It will also seek judgements for attorney's fees and costs including costs associated with the activities of the law

enforcement officials and code enforcement personnel. The new Metropolitan Court Arraignment Program was created to handle the approximately 59 thousand contested traffic citations issued annually by law enforcement. The Metropolitan Court Arraignment Program is designed to reduce the need for having APD officers attend traffic court by having an Assistant City Attorney appear at the initial hearing to conduct plea negotiations. Cases can be disposed of by plea arrangements at the initial hearing. Preliminary figures show that 90% to 95% of traffic citations are disposed of in the initial meeting; thus saving the necessity of APD officers working over-time. Two attorneys have been hired to administer the arraignment program and are housed full time at the metro court building.

LEGAL

	APPROVED BUDGET FY/01	ACTUAL FY/01	APPROVED BUDGET FY/02	ESTIMATED ACTUAL FY/02	APPROVED BUDGET FY/03	EST. 02/ APPR. 03 CHANGE
PROGRAM STRATEGY BY GOAL:						
<u>GENERAL FUND 110</u>						
GOAL 8: ORGANIZATIONAL EXCELLENCE						
Legal Services	4,312	4,463	4,889	4,492	4,044	(448)
Real Property	591	570	588	495	496	1
Utility Franchising Office	454	772	393	778	782	4
Total General Fund – 110	5,357	5,805	5,870	5,765	5,322	(443)
<u>OPERATING GRANTS FUND 265</u>						
Total Operating Grants Fund – 265	0	37	0	0	0	0
TOTAL GOAL – 8	5,357	5,842	5,870	5,765	5,322	(443)
TOTAL APPROPRIATIONS	5,357	5,842	5,870	5,765	5,322	(443)

REVENUE

A new unit established to deal with nuisance abatement is expected to bring in an additional \$105 thousand for FY/03 in legal services revenue. A contract with the State to purchase property for the Petroglyph National Monument will bring in \$150 thousand for FY/03.

Department Generated Fees for Services (\$000's)	APPROVED BUDGET FY/01	ACTUAL FY/01	APPROVED BUDGET FY/02	ESTIMATED ACTUAL FY/02	APPROVED BUDGET FY/03	EST. 02/ APPR. 03 CHANGE
Legal Services	1,900	1,768	1,699	1,699	1,835	136
Legal Costs -- Foreclosures	4	4	5	5	5	0
Special Legal Counsel	469	470	678	678	692	14
Real Property Services	180	128	80	80	232	152
Rental of City Property	95	142	100	120	120	0
Sales of Real Property	0	94	0	228	70	(158)
Sales of Other Property	30	12	30	30	30	0

PRIOR YEAR ACCOMPLISHMENTS

- Successfully negotiated and signed a Memorandum of Understanding between Albuquerque Police Department, Planning Department and Legal Department creating Task Force on Nuisance Abatement.
- Filed 25 graffiti vandalism cases suing 70 individuals for property damage and asking for punitive damages.
- Negotiated settlements with 40 people in graffiti cases and have commitments to collect approximately \$10 thousand with \$1.3 thousand already collected to date.

LEGAL

- Initiated 4 nuisance abatement actions and secured temporary restraining orders and preliminary injunctions on 3 cases.
- Continued work on vehicle forfeiture cases.
- Initiated, by client request, legal action against 4 severely delinquent "Community Development Block Grant Fund" grantees. Through diligent legal work all 4 delinquent accounts have been made current thus saving the City \$155 thousand in accounts receivable write-offs.
- A total of 27 Administrative enforcement actions were initiated on behalf of the Environmental Health Department's Air Quality Division collecting \$26 thousand in paid fines enhancing the General fund. As a result of the enforcement actions, responsible parties signed Compliance Agreements and came into compliance by: reducing emissions from industrial sources by reducing thruput, installing new air pollution control equipment, conducting compliance tests for specific pollutants and monitoring pollutants, obtaining and updating permits, training employees and changing procedures, updating records, installing walls and fences and stabilizing surface areas to contain blowing dust, and cleaning up tracked-out materials.
- Collected \$79 thousand in delinquent Special Assessment foreclosure actions.
- Established computer access to City's Personnel Rules and Regulations to all City employee's through the Folio Views Infobase system.
- Successfully prosecuted the public nuisance case against the A&P bar winning an injunction ordering the bar to close.
- Completed the acquisition of the Manzano Open Space by trial (original 80 acres) and settlement (additional 40 acres. (The interveners claims are still pending.)
- Negotiated settlement of the condemnation lawsuit for the acquisition of the Atrisco Terrace open space. (Pending Council approval.)
- Resolved 2 citations from OSHA over the death of a City employee last fall during the sewer treatment plant expansion. OSHA proposed fines were abated. The abatement was for the City to include a safety meeting with the other pre-construction meetings with the contractors.
- Obtained the funds from the Court which were deposited for the New Mexico Utilities condemnation when it was dismissed. Public Works Department received a check for \$18.4 million.
- Settled the tire shredder case. The City will receive approximately \$50 thousand and a one year parts and labor service contract for up to \$30 thousand to be used on the shredder or any other equipment.
- Purchased Calmat property for \$13 million for a future water treatment plant.
- Contracted by State to purchase 33 properties for the Petroglyph National Monument.
- Purchased and closed 22 properties for a total cost of \$1.9 million. The state to pay the City \$56 thousand for its share.
- Protested property tax bills and saved \$30 thousand to \$40 thousand of improper tax charges.